UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,262	01/11/2002	Jun Kamada	826.1783	6257

21171	7590	02/24/2006	EXAMINER

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/042,262	KAMADA ET AL.
	Examiner	**Art Unit**	
	Evens Augustin	3621	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _1/11/2002_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-21_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _11 January 2002_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _9/24/2004_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Status of Claims

1. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

3. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. A claim limited to a machine or manufacture which has practical application in the technological arts is statutory. In most cases, a claim to a specific machine or manufacture will have practical application in the technological arts. See MPEP 2106, 2100-14 (quoting In re Alappat, 33 F.3d at 1544, 31 USQ2d at 1557). Additionally, for subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. See In re Alappat 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting Diamond V. Diehr, 450 U.S. at 192, 209 USPQ at 10). For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. See In re Musgrave, 431 F.2d 882, 167 USPQ 280 (CCPA 1970).

As per claim 12, the preambles recites a computer codes or instructions or program

embodied on a computer signal, however, do not recite that the computer program is encoded or

recorded on a physical medium readable by a computer.   Thus, the claims are directed to

functionally descriptive material that is not functionally or structurally interrelated to the

medium. Data structures not claimed as embodied in computer readable media (defined as "a

collective word for the physical material, such as paper, disk, and tape, used for storing

computer-based information", Microsoft Press, Computer Dictionary, Second Edition, © 1994)

are descriptive material per se and are not statutory because they are neither physical "things"

nor statutory processes. Such claimed data structures do no define any structural and functional

interrelationships between the data structure. See MPEP 2106(IV)(B)(1)(a).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (U.S

6427140).

The United States Patent and Trademark Office (USPTO) is analyzing the claimed

invention as a content/software/program/code distribution system between a

content/software/program/code owner, a distributor or store and end users. The distributor pays

a fee for the content/software/program/code that gets distributed to an end user with a

multiprocessor machine. The invention describes the architecture of the multiprocessor system

vis a vis the content/software/program/code. The invention describes the aspects of the

encryption and verification (respectively) of the content/software/program/code within the user

multiprocessor system.

As per claims 1-21, Ginter et al. discloses a invention that relates to computer-based and

other electronic appliance-based technologies that help to ensure that information is accessed

and/or otherwise used only in authorized ways, and maintains the integrity, availability, and/or

confidentiality of such information and processes related to such use computer system that

relates to development architecture frameworks, and more particularly to managing an

environment of a development framework. The invention comprises of the following:

- An environment for electronic information owners, distributors, and users; financial

  clearinghouses; and usage information analyzers and resellers (column 3, lines 45-48)

- Multiprocessing system with multiprocessing system, in which

  content/software/program/code is encrypted through the components of the

  multiprocessor system (column 72, lines 31-67, column 73, lines 24-33)

- Memories stories encrypted and unprotected content (column 21, lines 22-37)

- Allocating task or task manager (column 83, line 36, column 88, lines 51-67)

- Content/software/program/code being stored in units of physical allocation memory (bytes) (column 68, line 51)

- Verify data through the components of the multiprocessor system (column 125, lines 60-67)

- The system also uses digital signature to authenticate the communication of content (column 22, lines 5-10)

- Employing a plurality of encryption keys (column 21, lines 65-67, column 22, lines 1-10, column 49, lines 1-59), in an non-volatile memory (column 49, lines 9-12)

- The aspects of using session keys (column 220, lines 20-21)

- System uses secure hardware (including drives) with a secure/trusted architecture (column 13, lines 5-25)

- The storing of secure and non-secure information can be stored in a single memory chip. The system uses a memory management unit to manage the execution space (column 69, lines 9-42)

- System teaches Electrically Erasable Programmable Read Only (EEPROM) (column 70, lines 66-67, column 71, lines 1-5)

- Circuitry designed to "zeroize" memory may be included as an aspect of self-destruct processes (column 64, lines 30-31)

Conclusion

6. *Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that if the applicant is preparing to respond, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Pearce et al. (US 5805880)** - The present invention relates to utility programs for computer systems. More specifically, the present invention relates to computer utility programs that avoid security measures of an operating system while otherwise retaining secured operation.

- **Ellis (US 6732141)** - This invention generally relates to one or more computer networks having computers like personal computers or network computers such as servers with microprocessors preferably linked by broadband transmission means and having hardware, software, firmware, and other means such that at least two parallel processing operations occur that involve at least two sets of computers in the network or in networks connected together, a form of metacomputing

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 571-272-6712.

Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-6584.

Evens J. Augustin
February 16, 2006
Art Unit 3621

PRIMARY EXAMINER